IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 1275 OF 2001

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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DISTRICT PANCHAYAT, RAJKOT - Petitioner(s)
Versus
RAMNIKLAL H. PATADIA & ORS. - Respondent(s)

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Appearance :
Shri Rakesh Patel for Petitioner(s).
Shri Bhavin J. Sathwara for Respondent(s) : 1.
Ms. Manisha Lavkumar, AGP for Respondent(s) : 2 - 4.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 31/08/2007

ORAL JUDGMENT

The petitioner-Panchayat, being aggrieved by the orders passed by the Controlling Authority and the Appellate Authority under the provisions of the Payment of Gratuity Act, 1972, is before this Court

under Article 227 of he Constitution of India with a submission that in view of Section 2(e) of the Payment of Gratuity Act, 1972, the Act in itself would not be applicable to the present Panchayat *qua* the respondent-workman.

2. Shri Bhavin Sathwara, learned Counsel for the respondent-workman, has opposed the said contention.

3. The question sought to be raised in this Writ Application has been answered in an apt manner in Special Civil Application No.9874 of 1999 in the matter of ***TDO vs. Mahendra Chhotalal Mehta***, decided on 9th February, 2000. The Division Bench of this Court, by a speaking order, has dismissed Letters Patent Appeal No.79 of 2000 summarily.

4. In view of the authoritative pronouncement made in Special Civil Application No.9874 of 1999, I do not find any scope for interference.

5. The petition deserves to and is, accordingly, dismissed. Rule is discharged. Interim relief, if any, is vacated. No costs.

[R.S.Garg, J.]

*kamlesh**